

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00048-03-CR-W-DGK

NOVEMBER D. GARDNER,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES: Count 1: Conspiracy to distribute 5 kilograms or more of cocaine; fentanyl; and less than 50 kilograms of marijuana *in violation of* 21 U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)

Count 2: Possession with Intent to Distribute Cocaine *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(C)

Counts 3, 6, 8, 91: Possession of a Firearm in Furtherance of a Drug Trafficking Offense *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)

Counts 7, 9: Unlawful Drug User in Possession of a Firearm *in violation of* 18 U.S.C. § 922(g)(3) and 924(a)(2)

Count 13: Distribution of Marijuana *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(D)

Counts 18, 20, 31, 36: Distribution of fentanyl; distribution of marijuana *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(D)

Count 33: Destruction of a Motor Vehicle Destruction of a Motor Vehicle *in violation of* 18 U.S.C. §§ 33(a) and 2

Count 34: Use, Carry, and Discharge a Firearm During a Crime of Violence Use, Carry, and Discharge a Firearm During a Crime of Violence *in violation of* 18 U.S.C. § 924(c)(1)(A)(iii)

Count 58: Conspiracy to Commit Hobbs Act Robbery *in violation of* 18 U.S.C. § 1951(a)

Count 59: Possession with Intent to Distribute Marijuana *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(D)

Count 111: Conspiracy to Tamper with a Witness *in violation of* 18 U.S.C. § 1512(a)(2)(A) and (k)

Forfeiture Allegations One and Two

TRIAL COUNSEL:

Government: Matthew Moeder, Sean Foley, Stephanie Bradshaw; Paralegal Michelle Wells

Case Agent: ATF Special Agent Elizabeth White

Defense: Blade Moore

OUTSTANDING MOTIONS: Sealed Motion (Doc. 794)

ANTICIPATED MOTIONS: Government - Rule 404(b) Notice; Defense - None

TRIAL WITNESSES:

Government: 50 without stipulations if four defendants go to trial; premature to address stipulations specific to each defendant

Defense: 2 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 300 exhibits with four defendants going to trial

Defense: 20 exhibits

DEFENSES:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☐ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☒ Likely a plea will be worked out

TRIAL TIME: 10 days for trial with four defendants

Government's case including jury selection: 7-8 days

Defense case: .5 day

STIPULATIONS:

☐ not likely

☐ not appropriate

☒ likely as to:

☒ chain of custody

- (x) chemist's reports
- () prior felony conviction
- () interstate nexus of firearm
- () other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: On or before June 24, 2024

Defense: On or before June 24, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: On or before June 24, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: On or before June 24, 2024

TRIAL SETTING: Criminal jury trial docket commencing 7/8/2024

Please note: The Government requests trial start on the second week of the docket as Government Counsel has a conflict on July 8th and 9th. However, Government Counsel would be available beginning July 10th.

OTHER:

- () A _____-speaking interpreter is required.
- () Other assistive devices:

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge